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October 16, 2020

BY ECF

Honorable James L. Cott
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: Alexander Williams v. City of New York, et al.,
19 Civ. 3347 (LJL) (JLC)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, and one of the attorneys assigned to represent defendants. Defendants write in accordance with the Court's Order, dated October 13, 2020, that directed Defendants "to respond to plaintiff's September 16 letter requesting each grievance 'used and submitted throughout the proceeding' by October 16." (ECF No. 99.) Defendants respectfully request that Plaintiff's second purported motion to compel grievances be denied as premature since Plaintiff also made the request in discovery demands, the response to which is due October 19, 2020. Regardless, Defendants will be producing the grievances by October 23, 2020.

By way of background, Plaintiff is a pre-trial detainee in the custody of the New York City Department of Corrections ("DOC") at the Manhattan Detention Center ("MDC").¹ Plaintiff alleges that between January 20, 2019 and July 14, 2020, Defendants, correction officers at MDC, opened and read his outgoing and incoming mail, denied him access to the law library, ignored and did not process his grievances, denied his ability to timely mail summonses and complaints to correction officers he was suing in a state court proceeding, retaliated against him, used excessive force against him by spraying him with a chemical agent, and denied him adequate medical care. (See Williams I, Compl., pp. 4-5; Williams II Compl., pp. 4-5, 7-11; Williams III Am. Compl. 4, 6-14, and 21.)

¹ As of August 27, 2020, both 19-cv-8737 and 20-cv-3992 are consolidated in 19-cv-3347. (ECF Nos. 58 and 88.)

On August 20, 2020, Plaintiff filed a purported motion to compel the production of (1) “every grievance used in 19-CV-3347 and 19-CV-8737 that was used as exhibits” and (2) “reports that were written by MDC officials in response to grievances.” (ECF No. 87.) On September 9, 2020, the Court denied Plaintiff’s motion to compel as premature because the parties had not yet conferred about his request, but stated that “if after discussion with counsel for defendants Williams believes there are still matters that require the involvement of the Court, he may renew his request at that time.” (ECF No. 91.) Before the parties were able to confer, Plaintiff served discovery requests on Defendants on September 17, 2020, which seeks, among other things, a request for 101 grievances – a request that presumably includes the grievances that are the subject of the present motion. Responses to Plaintiff’s discovery demands are due on October 19, 2020.

In light of Plaintiff’s discovery requests, to which Defendants’ responses are not yet due, Plaintiff’s purported motion to compel “each grievance used and submitted throughout the proceeding” should be denied as premature. Nevertheless, for the Court’s information, Defendants intend to produce the requested grievances no later than Friday, October 23, 2020.^{2,3} Accordingly, Defendants respectfully request that Plaintiff’s purported motion to compel grievances be denied as premature and moot. Thank you for your consideration in this matter.

Sincerely,

Qiana Smith-Williams

Qiana Smith-Williams⁴
Senior Counsel

cc: **VIA FIRST-CLASS MAIL**
Alexander Williams
Manhattan Detention Complex
125 White Street
New York, New York 10013

² Defendants also note, to the extent Plaintiff states that he was denied discovery in the newest case that was consolidated into 19-cv-3347, his assertion is incorrect. The discovery schedule has been extended to December 28, 2020. Moreover, as mentioned above, Defendants intend to respond to Plaintiff’s latest discovery requests.

³ The parties conferred by phone today. During the call Defendants advised Plaintiff that the grievances will be mailed by Friday, October 23, 2020. Additionally, Plaintiff consented to Defendants’ request for an enlargement of time, until November 11, 2020, to serve both the remainder of the discovery responses and 33.2 responses together.

⁴ This case has been assigned to Assistant Corporation Counsel Aaron Davison, who passed the New York State Bar Exam and is presently applying for admission. Mr. Davison is handling this matter under supervision and may be reached at (646) 988-3220 or adavison@law.nyc.gov.